

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:15-CR-00149
) (RJA) (JJM)
)
) Plaintiff,)
)
)
 vs.) December 22nd, 2021
) 8:46 a.m.
 FRANK R. PARLATO,)
)
)
 Defendant.)

**TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS, ESQ.
UNITED STATES ATTORNEY
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Probation Officer: BRIAN MAMIZUKA

Court Reporter: MEGAN E. PELKA, RPR
Robert H. Jackson US Courthouse
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Buffalo, NY 14202
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08:46AM 1 THE CLERK: Case 15-CR-149. United States vs. Frank
08:46AM 2 Parlato. Status conference. Counsel, please state your name
08:46AM 3 and the party you represent for the record.

08:46AM 4 MR. DIGIACOMO: Good morning, Your Honor. Michael
08:46AM 5 DiGiacomo for the United States.

08:46AM 6 MR. GREENMAN: Good morning, Your Honor. Herb
08:46AM 7 Greenman, Judge, for Mr. Parlato.

08:46AM 8 THE COURT: Good morning. Have you seen the memo
08:46AM 9 from the probation office?

08:46AM 10 MR. GREENMAN: I did, Your Honor. I sent an email
08:46AM 11 over early this morning.

08:46AM 12 THE COURT: I didn't see it.

08:46AM 13 MR. GREENMAN: No, not to you, Judge. I wouldn't
08:46AM 14 email you, Your Honor. We don't have any major problems with
08:46AM 15 it, but if I can just address one or two very minor things, I
08:46AM 16 think we can agree to any modification of conditions.

08:47AM 17 THE COURT: Do me a favor, if you feel comfortable --
08:47AM 18 if you don't feel comfortable, leave it on.

08:47AM 19 MR. GREENMAN: Sorry. I forgot. I don't think we
08:47AM 20 have any major problems. I emailed Mr. DiGiacomo and
08:47AM 21 Mr. Mamizuka this morning. Just some small issues in terms of
08:47AM 22 the modifications that are recommended; other than that, we
08:47AM 23 probably will consent to them.

08:47AM 24 THE COURT: What are they?

08:47AM 25 MR. GREENMAN: Your Honor, as far as travel is

08:47AM 1 concerned, it's always been -- and there haven't really been
08:47AM 2 any problems that I'm aware of -- the travel would be on
08:47AM 3 consent with notice to the probation officer as opposed to
08:47AM 4 filing motions with the Court every time he travels, because
08:47AM 5 it's not easy.

08:47AM 6 MR. DIGIACOMO: We don't have a problem with that
08:47AM 7 either, Your Honor.

08:47AM 8 THE COURT: I don't have a problem with that.

08:47AM 9 MR. GREENMAN: And the only other one, Your Honor, is
08:47AM 10 the anger management treatment. I think that, for both anger
08:47AM 11 management and mental health, it's pretty much interconnected.
08:47AM 12 My understanding is that Probation's intention is that he be
08:47AM 13 evaluated through a program sent to him where he'll be sent
08:48AM 14 through the probation department and then if treatment is
08:48AM 15 necessary, then he will submit to treatment. They have them a
08:48AM 16 little bit different from one and two. I think --

08:48AM 17 THE COURT: Which one are we talking about,
08:48AM 18 Mr. Greenman?

08:48AM 19 MR. GREENMAN: Your Honor, conditions 1 and 2
08:48AM 20 recommended by the Probation Department, Mr. Mamizuka.

08:48AM 21 THE COURT: Okay.

08:48AM 22 MR. GREENMAN: The first one is no problem. The
08:48AM 23 second one basically --

08:48AM 24 THE COURT: What's the issue with that?

08:48AM 25 MR. GREENMAN: It should read the same as the first,

08:48AM 1 evaluation and/or treatment as approved by probation. That's
08:48AM 2 all. It should be the same thing for each one.

08:48AM 3 P.O. MAMIZUKA: Judge, they're separate treatment
08:48AM 4 facilities, Your Honor. The anger management program is
08:48AM 5 separate than the traditional mental health evaluation and
08:48AM 6 treatment. That's why we have them as separate conditions,
08:49AM 7 Your Honor.

08:49AM 8 MR. GREENMAN: We don't have any problem with either
08:49AM 9 one of them, Judge. It should read -- they're not the same.
08:49AM 10 They're not written the same. The first one says mental
08:49AM 11 health evaluation and/or treatment. The second one says anger
08:49AM 12 management treatment program. I think it should read the same
08:49AM 13 for both; that the anger management should read evaluation
08:49AM 14 and/or treatment as approved, which would be the same thing as
08:49AM 15 the first one. Not a major change, it's just a little bit
08:49AM 16 different.

08:49AM 17 MR. DIGIACOMO: That's fine, Judge.

08:49AM 18 THE COURT: That shouldn't be a problem.

08:49AM 19 P.O. MAMIZUKA: Judge, I don't believe there is an
08:49AM 20 evaluation for the anger management program. I believe it is
08:49AM 21 an eight-week program that you participate in which is
08:49AM 22 separate from the traditional mental health evaluation.

08:49AM 23 THE COURT: Are we talking about the same thing here?

08:49AM 24 MR. GREENMAN: I don't know how they do it down in
08:49AM 25 Florida or what they would do. All we're asking for, Your

08:49AM 1 Honor, very simply, is that he submit to an evaluation for
08:49AM 2 both and if treatment is found to be necessary, he will submit
08:50AM 3 to treatment.

08:50AM 4 THE COURT: That sounds reasonable to me.

08:50AM 5 MR. GREENMAN: Thank you, Your Honor. That's all we
08:50AM 6 really have as far as those are concerned.

08:50AM 7 THE COURT: All right. So you've gone over these
08:50AM 8 conditions with your client?

08:50AM 9 MR. GREENMAN: I have, Your Honor.

08:50AM 10 THE COURT: He understands them?

08:50AM 11 MR. GREENMAN: He does, Your Honor.

08:50AM 12 THE COURT: Any questions about them?

08:50AM 13 MR. GREENMAN: I don't think he has any questions.

08:50AM 14 THE COURT: All right. He'll be released with those
08:50AM 15 conditions.

08:50AM 16 MR. DIGIACOMO: Judge, if I can, I would just ask the
08:50AM 17 Court remind Mr. Parlato that he still, in addition to these
08:50AM 18 modified terms and conditions, that he is still subject to all
08:50AM 19 the terms and conditions as to the original release order that
08:50AM 20 dates back to 2020.

08:50AM 21 MR. GREENMAN: That's fine.

08:50AM 22 THE COURT: Good point.

08:50AM 23 MR. GREENMAN: That's fine. And I've gone through
08:50AM 24 those conditions again with him over the weekend, Your Honor.

08:50AM 25 THE COURT: All right.

08:50AM 1 MR. DIGIACOMO: And lastly, Judge, for the underlying
08:50AM 2 violation petition, because Mr. Parlato has to go for these
08:50AM 3 various evaluations and/or treatment, it's my suggestion that
08:50AM 4 we adjourn the underlying --

08:50AM 5 THE COURT: It will be generally adjourned until the
08:50AM 6 next -- unless there's another violation.

08:51AM 7 MR. DIGIACOMO: Correct.

08:51AM 8 THE COURT: So those conditions are still in effect.

08:51AM 9 MR. DIGIACOMO: Okay.

08:51AM 10 THE COURT: Okay. Thank you. When is the next court
08:51AM 11 date?

08:51AM 12 MR. DIGIACOMO: The next court date is January 26th
08:51AM 13 at 9:30 a.m. and that's a Zoom appearance.

08:51AM 14 THE COURT: That will be a Zoom. Okay. All right.
08:51AM 15 Thank you.

08:51AM 16 MR. GREENMAN: Thank you very much, Your Honor.
08:51AM 17 (Proceedings concluded at 8:51 a.m.)

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I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter